

## REMARKS

Claims 24-42 are pending. In a non-final Office Action mailed November 21, 2008 the amendment to the specification filed September 21, 2007 is objected to under 35 U.S.C. §131(a) for alleged entry of new matter for which the Examiner requires cancellation. Also in the Office Action claims 24-42 were rejected variously under 35 U.S.C. §112-first and second paragraphs, 35 U.S.C. §102(b) for allegedly being anticipated by JP 08042148 A (hereinafter "Komata") and U.S. Patent No. 4,185,429 (hereinafter "Mendola"), and 35 U.S.C. §103(a) for allegedly being obvious by Komata, Mendola, the combination of Komata and U.S. Patent No. 4,203,714 (hereinafter "Wenander"), and the combination of Mendola and U.S. Patent No. 3,426,487 (hereinafter "Forte"). Additionally, the Examiner is requiring that claims 1-23 be declared cancelled.

In response, the specification amendment of September 21, 2007 is hereby cancelled to comport with the Examiner's requirements. The independent claims have been currently amended along with any respective dependents to maintain antecedent basis with the currently amended independent claims to address the 35 U.S.C. §112, §102(b), and §103(a) rejections as discussed in greater detail below. Claims 1-23 are now declared cancelled.

Pursuant to 37 CFR 1.111, Applicant hereby respectfully requests reconsideration of the application, cancellation of the previously requested specification amendments, entry of the claim amendments, and urges a finding of allowability for pending claims 24-42.

### OBJECTIONS TO THE SPECIFICATION AMENDMENT

The specification amendment of September 21, 2007 for which the phrase "*The mat supports are recesses formed in the mat which extend downward from the upper surface of the mat a uniformed depth and which are arranged in an array surrounding reservoir region*"

210.”(emphasis added) was requested for entry to page 30, at line 9, immediately following the phrase “mat support 204A” is hereby cancelled.

By virtue of the specification amendment cancellation, no new matter has been entered.

**CLAIM REJECTIONS BASED ON 35 U.S.C. §112, first and second paragraphs**

Claims 24-42 were rejected variously under 35 U.S.C. §112-first paragraph for not claiming in full and exact terms and second paragraph for indistinct claiming. Claims 24, 33, 35, and 38 are independent claims among the rejected claims.

Independent claims 24, 33, 35, and 38 have been currently amended using the specification’s terminology and teachings as shown in clean form in the anticipation and obviousness sections detailed below. The respective dependent claims have also been currently amended to establish or maintain antecedent basis with the currently amended independent claims. As a consequence of these claim amendments, Applicant asserts and believes that the embodiments of the invention are claimed in a manner that fully comports with 35 U.S.C. §112.

Applicant requests entry of the claim amendments, withdrawal of the 35 U.S.C. §112 first and second paragraph based rejections, and a finding of allowance for claim 24-42.

**REJECTIONS BASED ON 35 U.S.C. § 102(b)**

Claims 24-29 and 31-34 were rejected under 35 U.S.C. §102(b) as being anticipated by Komata. Claims 24 and 33 are independent claims among the rejected claims. Dependent claims 25-29, 31, and 32 depend directly or indirectly from independent claim 24. Dependent claim 34 depends directly from independent claim 33.

Komata’s illustrations depict a non-integral vacuum plate having a single port 8 that appears continuous with a plate like structure 7 (Komata, Fig. 1), over which it is placed on a separate section 1 previously placed onto the surface to be dried, the separate section 1 having an array of protrusions 3 defining channel like regions 4 (Komata, Figs. 2, 3). Komata does not

teach nor suggest the Applicant's removeable and re-deployable water removal system using integrally constructed vacuum mats.

Claims 33-34 and 36-39 were rejected under 35 U.S.C. §102(b) as being anticipated by Mendola. Claims 33 and 38 are independent claims among the rejected claims. Dependent claim 34 depends directly from independent claim 33. Dependent claims 36 and 37 depend from independent claim 35 rejected under 35 U.S.C. §103(a) discussed below. Dependent claim 39 depends directly from independent claim 38 rejected under 35 U.S.C. §103(a) discussed below.

Mendola teaches a built-in drainage system within the inner periphery of a foundation that is permanently a part of, that is perpetually integral with the building structure (Mendola, Abstract, Figs. 1-3) and includes tubular or rectangular pipes 35 locked in by poured concrete (Mendola, Col. 4, lines 13-25) along the foundation wall 11 and the basement floor 14 in which the pipes are positioned prior to the formation of the foundation or structurally and permanently retrofitted in the basements of homes previously constructed (Mendola, Col. 3, lines 19-30). Mendola does not teach nor suggest the Applicant's removeable and re-deployable water removal system using integrally constructed vacuum mats.

Referencing the Applicant's teaching described in U.S. Patent Application Publication No. US 2004/0255484 A1), the Applicant teaches a removeable and readily re-deployable water removal system that is not permanently built into the peripheries of neither basements nor uses multi component vacuum mats having separate sections. The Applicant teaches of vacuum mats 204 having at least one port that are placed over water laden areas and connectable to a vacuum hose 116 (Applicant, Fig. 11, paragraph 0127) connected via a hose 10 that engages the mat's at least one port. The mat 204 includes a plurality of mat supports 204A that provides sufficient clearance or channels between the mat 204 and the floor or other surface to transfer vacuum to foster the transfer of water from or beneath the surfaces towards the vacuum source (Applicant, paragraph 0129). Residing between the mat support 204A are more clearly shown to reveal one

of a plurality of mat channels 204B (Applicant, paragraph 0132) through which vacuum is conveyed to foster the water removal.

Yet another embodiment the Applicant teaches that is lacking in Komata and Mendola is the vacuum manifold 154 from which a plurality of hose ports are provided to provide a network to distribute vacuum from the hose to other vacuum mats 204 and/or interplane vacuum chambers (Applicant, Figs. 10, 11; paragraph 0126, 0127), or alternatively, a network of vacuum mats 210 connected to main vacuum hoses 116 via tubes 10 that slip onto at least one of the vacuum ports, either the single ported 210D of vacuum mat 204 (Applicant, Fig. 12), or one of the multi-ports 310D of vacuum mat 204 (Fig. 13A), and alternatively by puncturing the hose via insert 20 having a piercing point 22 to which a vacuum tube 10 is attached (Applicant Figs. 3C, 3D, 11, 14, paragraphs 0072 and 0073). That is, the insert 20 is designed to be a puncturing or piercing insert. Figure 11 illustrates direct connection of the vacuum mats 204 to the hoses 116 via tubes 10. Alternatively, the vacuum mats 204 may be connected indirectly to the vacuum hose 116 via the multi-ports 310D of a vacuum mat 204 already in direct fluid communication with the vacuum hose 116. Upon receiving suction from the vacuum source, the direct or indirect vacuum mats self seal against the surface they are engaged.

Another embodiment taught by the Applicant lacking Komata or Mendola is of an interplane vacuum chamber that is self sealing against a wall-floor junction (Applicant, Fig. 7, paragraphs 0058, 0120) that straddles across the junctional regions of a wall and a floor. When connected to the vacuum hose, for example as shown in Fig. 7, suction is conveyed to the interplane vacuum chamber to impart a good vacuum seal against the respective surfaces of the wall and floor surfaces with the peripheral located sealing cushion of the interplane vacuum chamber straddles and engages. Connection to the vacuum hose 116 may be via puncturing by the insert 20 so that vacuum may be conveyed through tubes 10 attached to the insert 20 (Applicant, paragraph 0120).

Accordingly, in view of the Applicant's teachings neither taught nor suggested by Komata nor Mendola, claim 24 has been currently amended to claim an apparatus *having a vacuum source* for removing moisture *beneath or from at least one surface of a structure*, the apparatus comprising *"at least one vacuum mat having an integral construction and being in removable contact with the at least one surface via a plurality of mat supports and having at least one vacuum port and at least one channel residing between the plurality of mat supports in fluid communication with the at least one surface and the at least one vacuum port; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the at least one surface, through the at least one channel, to the at least one vacuum port, through the hose, and towards the vacuum source"*(emphasis added).

Applicant posits that currently amended independent claim 24 is novel, non-obvious, fully enabled, and allowable over the Komata and Mendola references.

The other dependent claims 25-29 and 32 are currently amended to maintain antecedent consistency with currently amended independent claim 24 or any respectively intervening dependent claim and thus claim the limitations as described in the Applicant's cited teachings above. Dependent claims 25-29 and 32, Applicant also asserts, inherits the allowability of currently amended independent claim 24.

Similarly, independent claim 33 has been currently amended to claim an apparatus having a *vacuum source* for removing moisture from *at least one surface* of a structure, the apparatus comprising: a vacuum mat *having an integrally connected plurality of mat supports defining a plurality of channels, and at least one vacuum port in fluid communication with the plurality of channels and the at least one vacuum port, the mat removeably engagagable with the at least one surface via the plurality of mat supports and the plurality of channels; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the at least one surface, through the plurality of channels,*

*to the at least one vacuum port, through the hose, and towards the vacuum source”*(emphasis added).

Applicant posits that currently amended independent claim 33 is novel, non-obvious, fully enabled, and allowable over the Komata and Mendola references. Dependent claim 34 defines additional limitations of the at least one vacuum port and inherits the allowability of independent claim 33.

Similarly, independent claim 35 has been currently amended to claim an apparatus *having a vacuum source for removing moisture from or beneath the surface of a structure, the apparatus comprising “at least one vacuum mat having an integrally connected plurality of mat supports defining a plurality of channels, and at least one vacuum port in fluid communication with the plurality of channels and the at least one vacuum port, the at least one vacuum mat removeably engagable with the surface via the plurality of mat supports and the plurality of channels; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the surface, through the plurality of channels, to the at least one vacuum port, through the hose, and towards the vacuum source”* (emphasis added).

Applicant posits that currently amended independent claim 35 is novel, non-obvious, fully enabled, and allowable over the Komata and Mendola references. Dependent claims 36 and 37 defines additional limitations of vacuum tube engagement and the use of a piercing insert and inherits the allowability of amended independent claim 35.

Similarly, independent claim 38 has been currently amended to claim an apparatus *having a vacuum source for removing moisture from the surfaces of a structure, the apparatus comprising “at least one interplane vacuum chamber having a hose port and a sealing cushion along the periphery of the interplane vacuum chamber defining spaces engageable with the surfaces; and a hose connected with the hose port and in fluid communication with the*

*interplane vacuum chamber and the vacuum source; wherein, the at least one interplane vacuum chamber self seals against the surfaces along the periphery of the sealing cushion upon application of sufficient suction to cause water migration in the direction from the surfaces, through the spaces, through the hose, and towards the vacuum source"* (emphasis added).

Applicant posits that currently amended independent claim 38 is novel, non-obvious, fully enabled, and allowable over the Komata and Mendola references. The Applicant also posits that dependent claims 39-42 inherit the allowability of independent claim 38 to claim additional limitations of the orientations of the surfaces and the types of surfaces engaged by the interplane vacuum chamber.

As a consequence of these claim amendments, Applicants asserts and believes that the embodiments of the invention are claimed in a novel and non-obvious manner that fully comports with 35 U.S.C. §102(b) for both the independent and dependent claims.

Applicant requests entry of the claim amendments, withdrawal of the 35 U.S.C. §102(b) based rejections, and urges a finding of allowability for claims 24-29, 31-34, and 36-39.

#### **REJECTIONS BASED ON 35 U.S.C. §103(a)**

Claims 24-30 and 32-34 were rejected under 35 U.S.C. §103(a) as being obvious by Mendola. Claims 24 and 33 are independent claims among the rejected claims. Dependent claims 25-30 and 32 depend directly or indirectly from independent claim 24. Dependent claim 34 depends directly from independent claim 33.

Mendola's teachings are discussed above.

Claims 35-42 were rejected under 35 U.S.C. §103(a) as being obvious by Komata. Claims 35 and 38 are independent claims among the rejected claims. Dependent claims 36 and 37 depend directly from independent claim 35. Dependent claim 39-42 depend directly or indirectly from independent claim 38.

Komata's teachings are discussed above.

Dependent claim 30 was rejected under 35 U.S.C. §103(a) as being obvious by the combination of Komata and Wenander. Claim 30 depends indirectly from independent claim 24.

Wenander teaches a vacuum system for removing water from concrete undergoing a curing process (Wenander, Abstract and Fig. 1). Similar to Komata, the teachings of Wenander is multi-component and does not teach the applicant's uni-construction or integrally constructed vacuum mats. The separate components required of Wenander to effect drying concrete includes and is not limited to a cover, a suction box, a distance net to provide passages, and a filter cloth having filter holes (Wenander, Fig. 1, Col. 2, lines 28-55). The Wenander drying system to hasten the curing of poured concrete is specific for that purpose. Wenander's drying system neither has the integral construction of the Applicant's vacuum mats nor the ready removeability and re-deployability of the Applicant's drying system to a building's non-concrete floors and/or walls.

Dependent claims 37 and 42 were rejected under 35 U.S.C. §103(a) as being obvious by the combination of Mendola and Forte. Claim 37 depends directly from independent claim 35. Claim 42 depends indirectly from independent claim 38.

Mendola's teachings are discussed above.

Forte teaches a built-into-the-basement drainage system using installed pumps in fluid communication with and water conduits (Forte, Abstract, Figs. 1, 2). Forte teachings concern permanently installed building drainage systems that cannot be readily disassembled and re-deployed for drying other structures.

The Applicant's teachings are described in more detail above but in reference to Mendola, Forte, Komata and Wenander the Applicant teaches a removeable and readily re-deployable water removal system that is not permanently built into the peripheries of neither basements nor uses multi component vacuum mats having separate sections nor multi-component boxes designed for the specific application of hastening the curing of poured concrete.



Accordingly, in view of the Applicant's teachings neither taught nor suggested by Mendola, Forte, Komata nor Wenander, claim 24 has been currently amended to claim an apparatus *having a vacuum source for removing moisture beneath or from at least one surface of a structure, the apparatus comprising "at least one vacuum mat having an integral construction and being in removable contact with the at least one surface via a plurality of mat supports and having at least one vacuum port and at least one channel residing between the plurality of mat supports in fluid communication with the at least one surface and the at least one vacuum port; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the at least one surface, through the at least one channel, to the at least one port, through the hose, and towards the vacuum source"*(emphasis added).

Applicant posits that currently amended independent claim 24 is novel, non-obvious, fully enabled, and allowable over any single or combination thereof of the Mendola, Forte, Komata and Wenander references.

Dependent claim 30 claims additional limitations of currently amended independent claim 24 via its dependency to dependent claim 29 in which the *"plurality of vacuum mats are in sealable contact with the at least one surface upon application of suction from the vacuum source"*(emphasis added). Dependent claim 30, Applicant asserts, inherits the allowability of currently amended independent claim 24.

The other dependent claims 25-29 and 32 are currently amended to maintain antecedent consistency with currently amended independent claim 24 or any respectively intervening dependent claim and thus claim the limitations as described in the Applicant's cited teachings above. Dependent claims 25-29 and 32, Applicant also asserts, inherits the allowability of currently amended independent claim 24.

Accordingly, Applicant posits, that currently amended claims 24-32 are allowable and requests withdrawal of the 35 U.S.C. §103(a) based rejections.

Similarly, independent claim 33 has been currently amended to claim an apparatus having *a vacuum source* for removing moisture from *at least one surface* of a structure, the apparatus comprising: a vacuum mat *having an integrally connected plurality of mat supports defining a plurality of channels, and at least one vacuum port in fluid communication with the plurality of channels and the at least one vacuum port, the mat removeably engagagable with the at least one surface via the plurality of mat supports and the plurality of channels; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the at least one surface, through the plurality of channels, to the at least one port, through the hose, and towards the vacuum source*"(emphasis added).

Applicant posits that currently amended independent claim 33 is novel, non-obvious, fully enabled, and allowable over the Mendola, Forte, Komata and Wenander references. Dependent claim 34 defines additional limitations of the at least one vacuum port and inherits the allowability of independent claim 33.

Similarly, independent claim 35 has been currently amended to claim an apparatus *having a vacuum source* for removing moisture from *or beneath the surface* of a structure, the apparatus comprising "*at least one vacuum mat having an integrally connected plurality of mat supports defining a plurality of channels, and at least one vacuum port in fluid communication with the plurality of channels and the at least one vacuum port, the at least one vacuum mat removeably engagagable with the surface via the plurality of mat supports and the plurality of channels; and a hose in fluid communication with the vacuum source and the at least one vacuum port, wherein water migration occurs in the direction from the surface, through the plurality of channels, to the at least one port, through the hose, and towards the vacuum source*" (emphasis added).

Applicant posits that currently amended independent claim 35 is novel, non-obvious, fully enabled, and allowable over the Mendola, Forte, Komata and Wenander references.



Dependent claims 36 and 37 defines additional limitations of vacuum tube engagement and the use of a piercing insert and inherits the allowability of amended independent claim 35.

Similarly, independent claim 38 has been currently amended to claim an apparatus *having a vacuum source* for removing moisture from *the surfaces* of a structure, the apparatus comprising “*at least one interplane vacuum chamber having a hose port and a sealing cushion along the periphery of the interplane vacuum chamber defining spaces engageable the surfaces; and a hose connected with the hose port and in fluid communication with the interplane vacuum chamber and the vacuum source; wherein, the at least one interplane vacuum chamber self seals against the surfaces along the periphery of the sealing cushion upon application of sufficient suction to cause water migration in the direction from the surfaces, through the spaces, through the hose, and towards the vacuum source*” (emphasis added).

Applicant posits that currently amended independent claim 38 is novel, non-obvious, fully enabled, and over the Mendola, Forte, Komata and Wenander references. The Applicant also posits that dependent claims 39-42 inherit the allowability of independent claim 38 to claim additional limitations of the orientations of the surfaces and the types of surfaces engaged by the interplane vacuum chamber.

As a consequence of these claim amendments, Applicants asserts and believes that the embodiments of the invention are claimed in a novel and non-obvious manner that fully comports with 35 U.S.C. §103(a) for both the independent and dependent claims.

Applicant requests entry of the claim amendments, withdrawal of the 35 U.S.C. §103(a) based rejections, and urges a finding of allowability for claims 24-30 and 32-42.

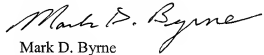
## CONCLUSION

Applicant believes pending claims 24-42 stand in condition for allowance. Should Examiner have any questions, he is invited to contact Applicant's representative at the address and telephone numbers set forth below.

DATED this 23<sup>rd</sup> day of March 2009.

Respectfully submitted,

BLACK LOWE & GRAHAM<sup>PLLC</sup>



Mark D. Byrne  
Registration No. 50,125  
Facsimile: 206-381-3301  
Phone: 206.381.3300  
Phone (direct): 206.957.2481